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Attorney for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEFFREY LEE TURNER,

Defendant.

NO. A05-0102 CR (RRB)

**JEFF TURNER'S SENTENCING
MEMORANDUM**

I. Introduction.

Jeff Turner submits this memorandum to assist the court at sentencing on February 15, 2006. At sentencing, Mr. Turner will be asking for a mid-range sentence, a strong judicial recommendation for the Bureau of Prisons 500-hour substance abuse program, and mental health counseling.

II. The Advisory Guideline Computation.

The parties correctly anticipated the applicable advisory guideline computation at the change of plea hearing. Mr. Turner confronts an advisory guideline range of 151 to 181 months.

As explained below, a mid-range sentence within the advisory range is sufficient but not greater than necessary to achieve the sentencing goals established by Congress when it enacted 18 U.S.C. § 3553(a).

III. A Mid-Range Sentence Is Sufficient But Not Greater Than Necessary To Achieve The Sentencing Goals Established Under 18 U.S.C. § 3553(a).

Title 18 U.S.C. § 3553(a) requires this court to “impose a sentence sufficient but not greater than necessary, to comply with the purposes set forth in paragraph (2). Section 3553(a)(2) states that the purpose of a sentence is:

- to reflect the seriousness of the offense, to promote respect for the law and to provide just punishment for the offense;
- to afford adequate deterrence to criminal conduct;
- to protect the public from further crimes of the defendant; and
- to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

The statute further directs the court to consider the nature and circumstances of the offense and the history and characteristics of the defendant; the kinds of sentences available; the need to avoid unwanted sentencing disparities among defendants with similar records who have been found guilty of similar conduct; and the need to provide restitution to any victims of the offense.

The advisory guideline range is 151 to 188 months. Mr. Turner submits that a mid-range sentence strikes an appropriate balance of the competing sentencing goals set forth in § 3553(a). Mr. Turner has submitted a statement to the court which is attached to this memorandum

as Exhibit A. His statement provides perhaps the best insight the court will have about Mr. Turner and his conduct.

In the final analysis, a mid-range sentence clearly addresses the retribution aspects of § 3553(a). However, incarceration alone does not contribute to rehabilitation. Mr. Turner's central problem is crack cocaine and the criminal conduct he engages in when that poison takes hold of him. Mr. Turner's criminal conduct will end when he finally weans himself from this drug and when he gets appropriate mental health counseling to address his deep-seated mental health issues.

IV. Conclusion.

For these reasons, Mr. Turner asks for a mid-range sentence. He asks for a judicial recommendation to the B.O.P. 500-hour drug and alcohol treatment program and that this program be supplemented by appropriate mental health counseling. During the term of supervised release, Mr. Turner will ask that mental health and substance abuse treatment be continued on an as-needed basis.

DATED at Anchorage, Alaska this 8th day of February 2006.

Respectfully submitted,

s/Kevin F. McCoy
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Certification:

I certify that on February 8, 2006,
a copy of *Jeff Turner's Sentencing
Memorandum* was served electronically
on:

Frank V. Russo
Assistant United States Attorney
U.S. Attorney's Office
222 West Seventh Avenue #9, Room 253
Anchorage, AK 99513-7567

and a copy was hand delivered to:

Tim Astle
U.S. Probation & Pretrial Services
222 W. 7th Avenue, #48, Room 168
Anchorage, AK 99513-7562

s/Kevin F. McCoy